

## Article - State Government

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§9–3207.

(a) The Board shall:

(1) monitor progress and compliance with the implementation of the recommendations of the Justice Reinvestment Coordinating Council;

(2) consider the recommendations of the Local Government Justice Reinvestment Commission and any legislation, regulations, rules, budgetary changes, or other actions taken to implement the recommendations of the Justice Reinvestment Coordinating Council;

(3) make additional legislative and budgetary recommendations for future data-driven, fiscally sound criminal justice policy changes;

(4) collect and analyze the data submitted under § 9–3208 of this subtitle regarding pretrial detainees;

(5) in collaboration with the Department of Public Safety and Correctional Services, the Maryland Parole Commission, the Administrative Office of the Courts, and the Maryland State Commission on Criminal Sentencing Policy, create performance measures to track and assess the outcomes of the laws related to the recommendations of the Justice Reinvestment Coordinating Council;

(6) in collaboration with the Maryland Parole Commission, monitor administrative release under § 7–301.1 of the Correctional Services Article and determine whether to adjust eligibility considering the effectiveness of administrative release and evidence-based practices;

(7) create performance measures to assess the effectiveness of the grants administered under § 9–3209 of this subtitle; and

(8) consult and coordinate with:

(i) the Local Government Justice Reinvestment Commission;

and

(ii) other units of the State and local jurisdictions concerning justice reinvestment issues.

(b) (1) In collaboration with the Department of Public Safety and Correctional Services, the Board shall determine the annual savings from the implementation of the recommendations of the Justice Reinvestment Coordinating Council based on the difference between the prison population as measured on October 1, 2017, the baseline day, and the prison population as measured on October 1, 2018, the comparison day, and the variable cost of incarceration.

(2) If the prison population on the comparison day is less than the prison population on the baseline day, the Board shall determine a savings based on the difference in the prison population multiplied by the variable cost.

(3) The Board annually shall determine the difference between the prison population on October 1, 2017, and the prison population on October 1 of the current year and calculate any savings in accordance with paragraph (2) of this subsection.

(4) If a prison population decline causes a correctional unit, wing, or facility to close, the Board shall conduct an assessment to determine the savings from the closure and distribute the savings, realized annually, according to the schedule in paragraph (5) of this subsection.

(5) The Board annually shall recommend that the savings identified in paragraphs (2) through (4) of this subsection be distributed as follows:

(i) up to 50% of the savings shall be placed in the Performance Incentive Grant Fund for purposes established under § 9–3209(b)(1) of this subtitle; and

(ii) subject to paragraph (6) of this subsection, the remaining savings shall be used for additional services identified as reinvestment priorities in the Justice Reinvestment Coordinating Council’s Final Report.

(6) The Board may recommend that a portion of the remaining savings identified under paragraph (5)(ii) of this subsection be used for the development and implementation of a post–secondary education and workforce training program for each correctional institution in the Division of Correction that provides inmates with the requisite training, certifications, and experience to obtain careers in in–demand job sectors.

(c) At each meeting of the Board, the Secretary of Health, or the Secretary’s designee, shall report to the Board:

(1) the number of individuals committed to the Maryland Department of Health for treatment under § 8–507 of the Health – General Article in

the previous 3 months including the number of days that it took to place each individual into treatment and where the individual was placed for treatment;

(2) the number of individuals committed to the Maryland Department of Health for treatment under § 8–507 of the Health – General Article who are waiting for treatment but cannot be placed due to lack of capacity; and

(3) the number of individuals assessed for substance use disorder in the previous 3 months under § 5–601 of the Criminal Law Article and whether each individual was placed into treatment as a result of the assessment.

(d) (1) The Board may enter into an agreement with an academic institution or another similar entity that is qualified to collect and interpret data in order to assist the Board with its duties.

(2) (i) The Board may recommend that a unit of the State enter into a contract or agreement with a public or private entity to obtain assistance or financial resources to fund and otherwise further the purposes of this subtitle, including entering into public–private partnerships, social impact bonds, and opportunity compacts.

(ii) If the Board makes a recommendation under subparagraph (i) of this paragraph, the Board shall provide written notice to the Senate Judicial Proceedings Committee, the House Judiciary Committee, and the House Health and Government Operations Committee, in accordance with § 2–1257 of the State Government Article, of the recommendation.

(iii) A unit of the State may not enter into a contract or an agreement recommended by the Board under subparagraph (i) of this paragraph until 60 days after the date of the notice provided in subparagraph (ii) of this paragraph.

(e) (1) The Board shall establish an advisory board for the purpose of including stakeholders in the criminal justice system in the analysis of the implementation of justice reinvestment initiatives.

(2) The Executive Director of the Governor’s Office of Crime Prevention, Youth, and Victim Services shall appoint members of the advisory board, subject to the approval of the chair of the Board.

(3) Members of the advisory board shall include:

(i) a representative of the exclusive representative of the employees of the Division of Parole and Probation;

(ii) a representative of the National Association for the Advancement of Colored People;

(iii) a representative of CASA de Maryland;

(iv) a representative of the American Civil Liberties Union;

(v) the chair of the Criminal Law and Practice Section of the Maryland State Bar Association or the chair's designee;

(vi) a representative of victims of domestic violence;

(vii) a representative of victims of sexual assault;

(viii) a representative with clinical experience and expertise in behavioral health and criminal justice;

(ix) a representative of the Maryland Retailers Association;

(x) a representative of an organization whose mission is to develop and advocate for policies and programs to increase the skills, job opportunities, and incomes of low-skill, low-income workers and job seekers;

(xi) a representative of an organization whose mission is to advocate for ex-offenders; and

(xii) a representative of the Maryland Chamber of Commerce.

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